

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHARLES M. EVERETT,

Plaintiff,

vs.

CHESTNUT V. POWERS, et al.

Defendants.

Case No. 16-cv-1001-SMY-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. 2). A federal court may permit an indigent party to proceed without pre-payment of fees. 28 U.S.C. § 1915(a)(1). Nevertheless, a court can deny a qualified plaintiff leave to file *in forma pauperis* or can dismiss a case if the action is clearly frivolous or malicious or fails to state a claim. 28 U.S.C. § 1915(e)(2)(B)(i) & (ii).

An action fails to state a claim if it does not plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The test for determining if an action is frivolous or without merit is whether the plaintiff can make a rational argument on the law or facts in support of the claim. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Corgain v. Miller*, 708 F.2d 1241, 1247 (7th Cir. 1983). When assessing a motion to proceed *in forma pauperis*, a district court should inquire into the merits of the claims, and if the court finds them to be frivolous, it should deny leave to proceed *in forma pauperis*. *Lucien v. Roegner*, 682 F.2d 625, 626 (7th Cir. 1982).

Here, Plaintiff has submitted documentation indicating an income of \$954 per month, rent of \$275 per month, expenses of \$487, and several debt obligations. Given this information, the Court is satisfied that Plaintiff is indigent.

However, the Court has reviewed Plaintiff's Complaint (Doc. 1) and finds that the allegations do not state a plausible claim. Additionally, although it is unclear exactly what legal claims Plaintiff is attempting to assert, it is evident that Plaintiff cannot make a rational argument on the law or facts in support of any claim. The Complaint and attachments are incoherent – containing references to a medical misdiagnosis from the 1980s, a student loan provider's misdeed, HIPAA and Everett's family's history. For example:

Plaintiffs brother whom is also affiliated in Street Gang, Street Gang Vice Lords, and OWG Orr-Weathers Gangsters Police Corliss Childress (families neighbor, and friend) arrests plaintiff and calls Ambulance to hospital stating plaintiffs family disowns plaintiff and plaintiffs brother is whom is teaching plaintiff disowns lessons plaintiff whereas by plaintiffs brothers daughter whom he named after PHD Bernice L. Collins of St. Marys Hospital 944 Porsche (Porsche Everett) and family and will not allow plaintiff to know Porsche Everett[.]

(Doc. 1 at 9).

The remainder of the hand-written pleading reads similarly. It is incomprehensible, fails to state a claim and is frivolous. Accordingly, Plaintiff's Motion to Proceed *in forma pauperis* is **DENIED** and this case is **DISMISSED with prejudice**.

IT IS SO ORDERED.

DATED: July 27, 2017

s/ Staci M. Yandle
STACI M. YANDLE
DISTRICT JUDGE